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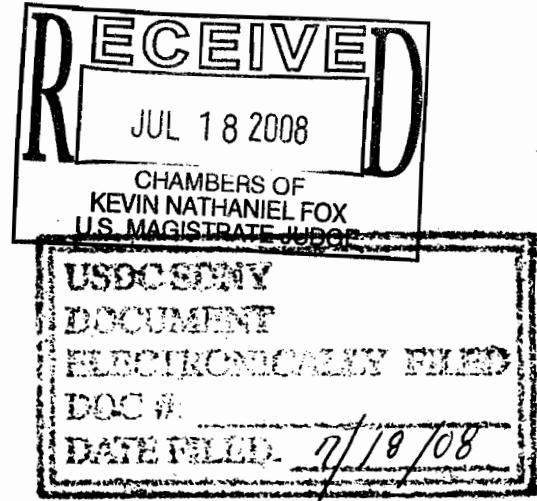
July 18, 2008

VIA FACSIMILE (212-805-6712)

Honorable Kevin Nathaniel Fox
U.S. Magistrate Judge
United States District Court
Southern District of New York
40 Centre Street Room 540
New York, NY 10007

Re: Bitterman v. Berkshire Life Insurance Company
Docket No. 07-Civ-11061 (SAS)(KNF)
Our File No.: 4060.2001

Dear Judge Fox :



We represent Dr. Stuart Bitterman, the plaintiff in the above referenced matter. This court has scheduled a settlement conference to take place on September 30, 2008 at 2:30 pm, on the Jewish New York.

This year the Jewish holiday season is as follows:

Rosh Hashana, the Jewish New Year
Yom Kippur
Succoth

September 29-October 1, 2008
October 8 and October 9, 2008
October 13 (PM) and October 14, 2008,
October 15, 2008, October 20, 2008 (PM),
October 21, 2008 and October 22, 2008

Neither Dr. Bitterman nor I can attend a mediation on any of those dates. We respectfully request that the conference be rescheduled.

7/18/08
The settlement conference previously scheduled
for September 30, 2008, will be held on September 24, 2008,
at 10:30 a.m.

SO ORDERED:
Kevin Nathaniel Fox
KEVIN NATHANIEL FOX, U.S.M.J.

SCHINDEL, FARMAN, LIPSIUS, GARDNER & RABINOVICH LLP

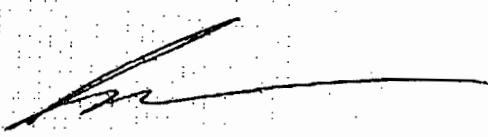
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Honorable Kevin Nathaniel Fox
July 18, 2008

I thank the Court for its assistance in this matter.

Very truly yours,

SCHINDEL, FARMAN, LIPSIUS,
GARDNER & RABINOVICH, LLP

A handwritten signature in black ink, appearing to read "Ira S. Lipsius", is written over a printed firm name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ira S. Lipsius

ISL/CDL/ea

cc: Steven P. Del Mauro, Esq. (via facsimile)